

HOME INSPECTOR CERTIFICATION AMENDMENTS

2019 GENERAL SESSION

STATE OF UTAH

LONG TITLE**General Description:**

This bill creates a state certification designation for home inspectors.

Highlighted Provisions:

This bill:

- defines terms;
- requires the Division of Occupational and Professional Licensing to grant state certification to an individual who qualifies to engage in the practice of home inspection as a state certified home inspector;
- provides the qualifications for being a state certified home inspector;
- provides that the act may not be construed to prevent an individual from lawfully engaging in the practice of home inspection without state certification; and
- provides what constitutes unlawful conduct related to the state certification of home inspection, including that it is unlawful for an individual who is not a state certified home inspector to use the title state certified home inspector, or represent that the individual is a state certified home inspector, in connection with the individual's name or business.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:**ENACTS:**

58-89-101, Utah Code Annotated 1953

58-89-102, Utah Code Annotated 1953

58-89-103, Utah Code Annotated 1953

58-89-201, Utah Code Annotated 1953

58-89-202, Utah Code Annotated 1953

33 **58-89-301**, Utah Code Annotated 1953

34

35 *Be it enacted by the Legislature of the state of Utah:*

36 Section 1. Section **58-89-101** is enacted to read:

37 **CHAPTER 89. STATE CERTIFICATION OF HOME INSPECTORS ACT**

38 **Part 1. General Provisions**

39 **58-89-101. Title.**

40 This chapter is known as the "State Certification of Home Inspectors Act."

41 Section 2. Section **58-89-102** is enacted to read:

42 **58-89-102. Definitions.**

43 In addition to the definitions in Section 58-1-102, as used in this chapter:

44 (1) (a) "Material defect" is a condition of an existing residential dwelling that
45 significantly reduces the value, desirability, habitability, or safety of the dwelling.

46 (b) "Material defect" does not include a stylistic or aesthetic element of a dwelling.

47 (2) (a) "Practice of home inspection" means the noninvasive physical examination,
48 performed in accordance with a national home inspection trade association's standards of
49 practice and code of ethics, of the readily accessible areas of an existing residential dwelling of
50 one to four units for a fee, including:

51 (i) the structure, roof, attic, foundation, crawl spaces, and other essential components;
52 and

53 (ii) the mechanical, electrical, and plumbing systems.

54 (b) "Practice of home inspection" includes a written report, prepared in accordance
55 with a national home inspection trade association's standards of practice and code of ethics,
56 that describes and identifies the inspected systems, structures, or components of the residential
57 dwelling, including:

58 (i) the identification of any material defects; and

59 (ii) any recommendations regarding the conditions observed or recommendations
60 regarding the need for additional evaluation.

61 (3) "State certification" means a designation granted by the division on behalf of the
62 state to an individual who has met the requirements for state certification related to an
63 occupation or profession described in this chapter.

(4) "State certified" means, when used in conjunction with an occupation or profession described in this chapter, a title that:

(a) may be used by a person who has met the state certification requirements related to that occupation or profession described in this chapter; and

(b) may not be used by a person who has not met the state certification requirements related to that occupation or profession described in this chapter.

Section 3. Section **58-89-103** is enacted to read:

58-89-103. Rulemaking.

When exercising rulemaking authority under this chapter, the division shall comply with the requirements of Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

Section 4. Section **58-89-201** is enacted to read:

Part 2. State Certification

58-89-201. Qualifications for state certification.

(1) The division shall grant state certification to an individual who qualifies under this chapter to engage in the practice of home inspection as a state certified home inspector.

(2) Each applicant for state certification as a state certified home inspector shall:

(a) submit an application in a form prescribed by the division;

(b) pay a fee determined by the department under Section 63J-1-504;

(c) be of good moral character; and

(d) except as provided in Subsection (3), provide satisfactory documentation that the applicant has:

(i) completed at least 80 hours of training from, as determined by division rule, a nationally reputable company, where at least 40 hours of the training were completed in a classroom or in-the-field and where the 80 hours of training covered the following components or systems of a dwelling:

(A) structural components;

(B) exteriors;

(C) roofing;

(D) plumbing;

(E) electrical;

(F) heating;

(G) air conditioning;

(H) insulation and ventilation;

(I) interiors; and

(J) built-in kitchen appliances;

(ii) attended or performed at least 250 home inspections; and

(iii) passed the National Home Inspectors Exam governed by the Examination Board of

Professional Home Inspectors or an equivalent examination as determined by division rule.

(3) For an applicant that applies for state certification as a state certified home inspector on or before September 1, 2019, the applicant may meet the requirements of Subsection (2)(d) by providing evidence that the applicant has:

(a) engaged in the practice of home inspection for three years or more; and

(b) performed at least 250 home inspections.

Section 5. Section **58-89-202** is enacted to read:

58-89-202. Limitation of state certification.

Nothing in this chapter shall be construed to prevent an individual from lawfully engaging in the practice of home inspection without state certification.

Section 6. Section **58-89-301** is enacted to read:

Part 3. Unlawful Conduct

58-89-301. Unlawful conduct.

It is unlawful for an individual who is not a state certified home inspector to use the title state certified home inspector, or represent that the individual is a state certified home inspector, in connection with the individual's name or business.